

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 12-00119 SI

Plaintiff,

**ORDER RE *FRANKS* HEARING  
(Docket No. 1034)**

v.


VICTOR FLORES, et al.,

Defendants.

On May 29, 2014, defendants Victor Flores, Benjamin Campos-Gonzalez, and Armando Acosta filed a motion to suppress wiretap evidence, and requested a *Franks* hearing on the matter. Dkt. No. 1034. On June 3, 2014, defendant Mario Bergren joined in the motion. Also on that date, the Court set a briefing schedule and calendared a *Franks* hearing for June 18, 2014. *See* Dkt. No. 1042. Having reviewed the parties' submissions on this matter, the Court determines that defendants have failed to make a substantial showing that the wiretap applications contained material false statements or omissions made either intentionally or recklessly. *See Franks v. Delaware*, 438 U.S. 154 (1978). Accordingly, the Court DENIES defendants' request for a *Franks* hearing. At the hearing on June 18, 2014, the parties may argue the substantive merits of the suppression motion.

**IT IS SO ORDERED.**

Dated: June 17, 2014

  
\_\_\_\_\_  
SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE